

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NORTHFIELD INSURANCE COMPANY,

Plaintiff,

v.

NOA-LIOR, LLC, STRUCTURELINE INC., CARBEN
CONSTRUCTION INC., and ANGEL C. TACURI
BRITO,

Defendants.

Case No. 1:23-cv-08944-JSR

[PROPOSED] 
DEFAULT JUDGMENT

This action having been commenced on October 11, 2023, by the filing of the Summons and Complaint; and

A copy of the Summons and Complaint having been served on defendant NOA-LIOR, LLC (“NOA”) on October 24, 2023, by delivery to Nancy Dougherty, an authorized agent in the office of the Secretary of State, State of New York, and proof of that service having been filed on November 1, 2023 (ECF No. 13); and

A copy of the Summons and Complaint having been served on defendant Structureline Inc. (“Structureline”) on October 24, 2023, by delivery to Nancy Dougherty, an authorized agent in the office of the Secretary of State, State of New York, and proof of that service having been filed on November 1, 2023 (ECF No. 15); and

A copy of the Summons and Complaint having been served on defendant Carben Construction Inc. (“Carben”) on October 24, 2023, by delivery to Nancy Dougherty, an authorized agent in the office of the Secretary of State, State of New York, and proof of that service having been filed on November 1, 2023 (ECF No. 15); and

A copy of the Summons and Complaint having been served on defendant Angel C. Tacuri Brito ("Tacuri Brito") on October 25, 2023, by personal delivery to Tacuri Brito, and proof of that service having been filed on November 8, 2023 (ECF No. 17); and

Defendants NOA, Structureline, Carben, and Tacuri Brito not having answered the Complaint, and their time for answering the Complaint having expired, it is hereby

ORDERED, ADJUDGED, and DECREED that default judgment is granted against Defendants, NOA, Structureline, Carben, and Tacuri Brito, declaring that:

- (1) No coverage is owed under the policy of insurance issued by Northfield to NOA for the policy period February 26, 2020 to August 5, 2021 (the "Northfield Policy") to NOA or any other party in connection with the underlying lawsuit styled *Angel C. Tacuri Brito v. NOA-LIOR LLC, et al.*, pending in the Supreme Court of the State of New York, County of Bronx, Index No. 803418/2021E (the "Underlying Action");
- (2) Northfield owes no duty to defend NOA or any other party in connection with the Underlying Action;
- (3) Northfield owes no duty to indemnify NOA or any other party in connection with the Underlying Action;
- (4) Northfield is not liable to pay or satisfy any claims, judgments, or awards against NOA or any other party in connection with the Underlying Action; and
- (5) Northfield may withdraw its defense of NOA in the Underlying Action.

SO ORDERED

on this 8th day of December, 2023.



HON. JED S. RAKOFF, U.S.D.J.